

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-6 are presently active in this case.

Claims 1-6 were rejected under 35 U.S.C. §103(a) as unpatentable over Moskowitz (U.S. Patent No. 6,598,162) in view of Yamashita (U.S. Patent No. 5,506,903).

In response to the rejection of Claims 1-6 under 35 U.S.C. §103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly recapitulating, Applicants' Claim 1 relates to a video processing apparatus for an input video signal. The video processing apparatus includes, *inter alia*: a random number generator to generate scramble key information concerning a previous video picture and used for descramble; a watermark generator to generate a watermark signal including the scramble key information concerning the previous video picture; and a *multiplexer to multiplex the watermark signal on the input video signal to generate a multiplexed signal including the scramble key information*. Independent Claim 5 recites similar features as a method claim.

As explained in Applicants' specification from page 5, line 25 to page 6, line 13 with corresponding Figure 1, Applicants' Claim 1 improves upon background video processing apparatuses, since it is possible to reduce image quality deterioration if the image is coded by a combination of motion predictive and orthogonal transformation, such as MPEG2 coding.

Turning now to the applied references, Moskowitz discloses a method for combining transfer functions, wherein format information of images is protected by encoding.¹ Moskowitz, however, fails to teach or suggest Applicants' claimed multiplexer. In particular,

¹ See Moskowitz in the Abstract.

and as acknowledged by the outstanding Office Action,² Moskowitz fails to teach or suggest the claimed multiplexer to multiplex the watermark signal on the input video signal to generate a multiplexed signal *including the scramble key information*.

The outstanding Office Action rejects Applicants' Claims 1-6 based on the proposition that Yamashita discloses the above feature,³ and that it would have been obvious to modify Moskowitz by importing this feature from Yamashita to arrive at Applicants' claimed invention. Applicants respectfully submit, however, that Yamashita fails to disclose the above feature related to multiplexer to multiplex the watermark signal on the input video signal to generate a multiplexed signal *including the scramble key information*, as next discussed.

The outstanding Office Action relies on Yamashita's text at column 4, lines 24-26. This passage of Yamashita recites that the encoder further includes an external computer 6 for controlling the scramble controller 5 from the outside, the second multiplexer 7 for multiplexing scrambled data from the scrambler 4, and scramble key information from the scramble controller 5 to construct a two-dimensional frame. Furthermore, by looking at Yamashita's Figure 1 with the corresponding text at column 4, lines 9-36, Yamashita's system first encodes a video signal with encoder 1, then scrambles the encoded video signal with the scrambler 4, and then multiplexed the scrambled video data with the multiplexers 7 and 9 with scramble key information.⁴ However, in Applicants' Claim 1, first an encoder encodes the multiplexed signal to output encoded video data including the scramble key information; and subsequently a scrambler *scrambles the encoded video data* to output scrambled video data *including the scramble key information*.

² See outstanding Office Action at page 3, lines 10-12.

³ See outstanding Office Action at page 3, lines 13-16.

⁴ See Yamashita at column 4, lines 19-22.

Accordingly, a multiplexing scrambled video data coming from a scrambler 4 and scramble information from the scramble controller 5, as taught by Yamashita, *is not* encoding the multiplexed signal to output encoded video data *including the scramble key information*; and subsequently a scrambling the encoded video data to output scrambled video data *including the scramble key information*. In Yamashita, the scramble information is added to the video signal by the multiplexer 7 *after* scrambling. Applicants respectfully submit that the outstanding Office Action seems to deliberately interconnect elements of Moskowitz and Yamashita to form the obviousness-type rejection, without having support of the interconnection or data flow between these elements, thereby employing improper hindsight in light of Applicants' Claim 1.

In this regard, see In Re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) to recite "[t]o establish a prima facie case of obviousness, the burden of establishing the absence of a novel, nonobvious functional relationship rested with the Patent and Trademark Office," and "[t]he claimed invention involved an organization of information and its interrelationships that the prior invention neither disclosed nor suggested."

Therefore, even if the combination of Moskowitz and Yamashita is assumed to be proper, the combination fails to teach every element of the claimed invention. Accordingly, Applicants respectfully traverse, and request reconsideration of, this rejection based on these patents.⁵

Consequently, in view of the present Request for Reconsideration, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-6 is earnestly solicited.

⁵ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Should the Examiner continue to disagree with the above distinctions, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP §714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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